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CrI.OP.No.15821 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :18.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

CrI.OP.No.15821 of 2023

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...Petitioner

Vs.

The State Rep by its
The Inspector of Police,
Panchapalli Police Station,
Dharmapuri District.
(Cr.No.18 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail concern in Crime No.18 of 2023 on the file of the The Inspector of Police, Panchapalli Police Station, Dharmapuri District.

For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (CrI.side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 16.05.2023 for the offences punishable under Section 5 (1), 5 (j), 5 (ii), r/w 6 (1) of POCSO Act, 2012 in Crime No.18 of 2023 on the file of



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the respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that petitioner and victim girl are relatives. They had consensual sexual relationship. However, he was implicated as accused in this case. Petitioner is in judicial custody from 16.05.2023. Therefore, he prays for grant of bail to the petitioner.

3.In response, the learned Government Advocate (Criminal Side) submitted that it is not a case of consensual sexual relationship. The accused has physical relationship with victim girl against her wish. Section 164 Cr.P.C. statement had been recorded and medical examination is over.

4.Considered the rival submissions and perused the records.

5.Considering the nature of allegations made against the petitioner and that the submission and counter submission with regard to the manner in which physical relationship between the petitioner and victim



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girl had happened, as to whether it was consensual or forcible and also the fact that the medical examination is over, Section 164 Cr.P.C. statement of the victim girl is recorded, the fact that petitioner is in judicial custody from 16.05.2023, and that substantial part of investigation might have been over by this time, this Court is inclined to grant bail to the petitioner with conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/-** (Rupees Ten Thousand only) with **two sureties**, each for a like sum to the satisfaction of the **learned the Fast Track Mahila Court, Dharmapuri** and on further conditions that :-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent Police daily at 10.30.a.m., until further orders.

[c] the petitioner shall not abscond either during



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investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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To

- 1.The Fast Track Mahila Court, Dharmapuri.
- 2.The Inspector of Police,
Panchapalli Police Station,
Dharmapuri District.
- 3.Sub Jail, Dharmapuri.
- 4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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